

1  
IN THE UNITED STATES DISTRICT COURT  
2  
EASTERN DISTRICT OF CALIFORNIA3  
United States of America,  
4  
Plaintiff,5  
vs.6  
Robert Allen Pooley,  
Defendant.Sacramento, California  
No. 2:21-cr-00111  
Friday, May 17, 2024  
8:45 a.m.  
/7  
TRANSCRIPT OF JURY TRIAL  
8  
BEFORE THE HONORABLE WILLIAM B. SHUBB, SENIOR JUDGE  
9  
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## 10 APPEARANCES:

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501 I Street  
22 Sacramento, CA 9581423 Proceedings recorded by mechanical stenography, transcript  
24 produced by computer-aided transcription

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1 A. My initial work was packaging the parachutes.

2 Q. Okay. Did you ever take customers on skydives when you  
3 were at Skydive Andes?

4 A. No, not back then. Not until I decided to take the  
5 instructor tandem skydiving classes here in the United States.

6 Q. Okay. So let's talk about that.

7 Do you know of a skydiving center called the Parachute  
8 Center in Lodi?

9 A. Yes, sir. That's correct.

10 Q. What do you know about it?

11 A. It's a skydiving center where they do classes, they do  
12 skydiving, and they also do tandem skydiving.

13 Q. How did you first learn about Parachute Center?

14 A. Through some friends.

15 Q. Okay. Can you tell us about those friends? Were they at  
16 the Parachute Center?

17 A. That's correct. I was in Chile, and they were at the  
18 Parachute Center. We had a phone conversation. We spoke about  
19 it. And I decided to come to take the classes here.

20 Q. And was that in 2016?

21 A. In July 2016.

22 Q. Who were these friends? What were their names?

23 A. The friends who were there was Carlos Obaid, Carlos  
24 Martinez, Francisco Espinoza, and Joaquin Passi.

25 Q. You said you made the decision to go to the Parachute

1 A. \$2,000.

2 Q. Who did Mr. Pooley tell you would teach the course?

3 A. Yes, he was.

4 Q. Did he tell you if he was going to be your examiner?

5 A. That's right.

6 Q. Did he tell you if he was a USPA examiner?

7 A. That's right.

8 Q. And who did he say would sign off on your paperwork?

9 THE COURT: The question is, first, did he say who  
10 would sign?

11 Q. BY MR. SHARMA: Did he say to you who would -- did he say  
12 that someone would sign off on your paperwork?

13 A. He was.

14 Q. And did he say that he would sign off on the paperwork?

15 A. My -- my understanding is that whoever imparts the --

16 THE COURT: No. No. That's not the question.

17 We don't want to know your understanding. We want to know  
18 what Mr. Pooley said. Did he tell you who would sign the  
19 paperwork?

20 THE WITNESS: Yes. He was.

21 Q. BY MR. SHARMA: Did you trust his statement that he would  
22 be your tandem examiner?

23 A. Absolutely.

24 Q. Did you trust his statement that he would sign your  
25 paperwork?

1 A. Definitely.

2 Q. And then based on that conversation, did you make the  
3 decision to travel to Parachute Center?

4 A. That's correct. I organized my -- my work and my job site.  
5 I asked for permission. I made arrangements with my family.  
6 And I asked for a permit at work to be absent from work during  
7 the days that I was taking the course.

8 Q. Okay. So you had to take leave from work to attend this  
9 course?

10 A. A work permit to take the course.

11 Q. Let's talk about when you got to the Parachute Center.  
12 When did you get to the Parachute Center?

13 A. Around the 6th or 7th of July. Around there.

14 Q. In 2016?

15 A. That's right, sir.

16 Q. Did you have any other reason to go to the US, or was this  
17 the only reason you came?

18 A. It was the only reason for me to come here to the United  
19 States.

20 MR. SHARMA: I'm going to approach and show him an  
21 exhibit.

22 THE COURT: Yes.

23 MS. CRAGER: I'm sorry. What exhibit?

24 MR. SHARMA: 12.

25 MS. CRAGER: Thank you.

1 Q. Okay. Was this USPA and UPT specific documentation?

2 A. That's correct, sir.

3 Q. Okay. And how did you get this documentation to fill out?

4 A. I went into the internet, and I had them print -- and I  
5 printed them.

6 Q. So you printed out the documents yourself?

7 A. That's right, sir.

8 Q. And did those documents need your examiner's signature on  
9 them?

10 A. Definitely.

11 Q. And so did you go to Mr. Pooley and ask for his signature?

12 A. Of course.

13 Q. And what did he say to you?

14 A. That not to worry, that everything was all right, and that  
15 he would sign the documents.

16 Q. But did he sign it in front of you?

17 A. He never gave me a document.

18 Q. Now, did you see the paperwork of the other students that  
19 were involved in your class?

20 A. At the end of the course, I was able to see the documents  
21 that another student had.

22 Q. Okay. And that other student's documents, did you notice  
23 any signatures on that document?

24 A. That's correct, sir.

25 Q. Whose signatures were on that document?

1 A. It was not -- it was not Rob Pooley. It was from another  
2 person.

3 Q. And how do you know it was a different person and not Rob  
4 Pooley?

5 A. Because of a signature would have one's name, and his name  
6 was not from Rob Pooley.

7 Q. The person whose signature you saw on that card, had they  
8 been involved in your course?

9 A. I never saw him.

10 Q. Did that strike you as being strange?

11 A. Definitely.

12 Q. Why did it strike you as being strange?

13 A. Because the -- usually, the people that do the course are  
14 the ones that sign the documents, and those would be the people  
15 that participated in all the classes.

16 Q. Did you talk to Mr. Pooley about someone else's signature  
17 on the cards?

18 A. Yes. I told him that I did not need the signature from  
19 someone else, that I needed his signature, the one who had  
20 given me the class.

21 Q. And why did you tell him that?

22 A. Because I saw -- I noticed that the documents that other  
23 people had were not the ones that I needed.

24 Q. So after you gave Mr. Pooley the documents, how many more  
25 days were you around at the Parachute Center?

1                   THE COURT: Did he say he gave Mr. Pooley the  
2 documents? I thought he said he saw other people's documents.  
3 I'm trying to figure out what happened, because I -- I'm just  
4 curious.

5                   So -- withdraw the question. I may not have heard the  
6 answer. And I'm not the jury anyway.

7                   MR. SHARMA: I can clarify.

8 Q. BY MR. SHARMA: Did you give your documents to Mr. Pooley  
9 to sign?

10 A. That's right.

11 Q. Okay. And did he give them back to you?

12 A. He never gave me any document.

13 Q. Okay. Did you ask him about those documents when he was  
14 still at the Parachute Center after the course?

15 A. Every day -- morning, noon, and evening.

16 Q. And how many days were you there?

17 A. Before my flight to Chile, a week.

18 Q. So every day for a week, you asked him about your  
19 documents?

20 A. That's correct, sir. I told him that before returning to  
21 my country, I had to have those documents, because if I didn't  
22 have those documents before going back, then I would have  
23 failed to complete my objective for the trip.

24 Q. And what did Mr. Pooley tell you when you asked him for  
25 your documents?

1 A. Not to worry. He said not to worry, that he would give me  
2 the documents. That he would give them to me the next day.  
3 And then another day went by. I -- I kept insisting so much  
4 that one time I told him, Stop, give me my documents. Don't --  
5 don't make me ask for them so much.

6 Q. And what did he say to you?

7 A. He told me not to worry anymore. And at that point, I felt  
8 that I was being discriminated against somehow because of the  
9 fact that I was Hispanic.

10 Q. Did -- did you think about complaining to the USPA?

11 A. Yes. I -- I told Rob that if he didn't give me the  
12 documents, I would complain to the corresponding entities.

13 Q. Okay. And what did Mr. Pooley say to you when you said  
14 that?

15 A. He said, No, don't do that. Everything is all right. I  
16 will give you your documents.

17 Q. And I know we've talked about this before, but did he ever  
18 give you your documents?

19 A. Never, sir.

20 Q. Did you ever -- sorry.

21 Did you ever see any documents -- any of your documents  
22 with Mr. Pooley's signature?

23 A. Never, sir.

24 Q. So after you left the Parachute Center, did you -- you  
25 returned to Chile?

1 A. That's correct, sir. I went back to my country.

2 Q. And did you try to follow up with Mr. Pooley when you were  
3 there?

4 A. That's correct. I sent him messages through Facebook, and  
5 he did not respond.

6 Q. Now, at any point in time when you -- before you got to the  
7 Parachute Center, when you were at the Parachute Center, did  
8 Pooley tell you that his examiner rating had been suspended?

9 A. Never, sir.

10 Q. And would you have attended the course at the Parachute  
11 Center if he had told you that he was suspended?

12 A. If I had known he did not have his certification, I would  
13 not have taken the trip -- I would not have taken the trip from  
14 Chile, I would not have asked for a work permit to travel to  
15 the US, and I would not have spent my money.

16 Q. How much money did you spend in total, including travel,  
17 everything, to come and take the course?

18 A. Around 5,000 to 6,000 dollars.

19 Q. Did you ever ask Mr. Pooley for a refund?

20 A. After going back to my country, I no longer had any contact  
21 with him.

22 Q. And he didn't respond to your Facebook message, right?

23 A. I never saw him again.

24 Q. Did you ever get your tandem ratings -- your tandem  
25 instructor ratings?

1 operations, basically.

2 I also needed to complete the tandem instructor knowledge  
3 exam which deals with the information contained -- contained in  
4 the Skydivers Information Manual.

5 I also needed to review the UPT Sigma system, which is the  
6 Parachute System Operators Manual, as well as complete a  
7 knowledge test.

8 I needed to review what's called a malfunction tree for  
9 that system, which effectively deals -- it's a flowchart for  
10 all of the potential malfunction modes of the system and the  
11 proper response to those things.

12 Q. Okay. Did he give any indication to you during that  
13 conversation that his instructor examiner rating with USPA and  
14 UPT was invalid?

15 A. He did not.

16 Q. Okay. Did Pooley lead you to believe that you could  
17 legitimately obtain your tandem instructor rating and UPT  
18 tandem parachute system certification from taking his course?

19 A. Yes.

20 Q. How did he do that?

21 A. He took my -- my money.

22 Q. Did you believe, based on your experience with each other,  
23 that he knew that you knew him to be a USPA and UPT certified  
24 examiner?

25 A. Yes.

1 Q. And did he know that you were looking for a rating?

2 A. Yes.

3 Q. If he had told you that his examiner rating was suspended  
4 by USPA and UPT, would you still have paid him your money to  
5 take that course?

6 A. No.

7 Q. All right. And you talked about the skills that you needed  
8 and wanted as a tandem examiner -- sorry -- as a tandem  
9 instructor that you were relying on Pooley to teach you.

10 During the course, what sorts of things -- well, we'll  
11 cover that later, actually.

12 All right. So did he tell you where you should show up and  
13 when?

14 A. Yes.

15 Q. Where and when?

16 A. Told me to show up at the Parachute Center in Lodi,  
17 California.

18 Q. All right. Did you -- were you familiar with the Parachute  
19 Center in Lodi before showing up there for the tandem  
20 instructor course?

21 A. I was.

22 Q. Describe your experience with Lodi prior to that point.

23 A. I had -- previously, I had taken my coach rating course  
24 with Rob, and that was at Lodi. Previous to that, I had spent  
25 some time, maybe three or four days, you know, spread out, on

1 Q. Okay. The defense attorney questioned you --  
2 Ms. McLoughlin questioned you regarding the -- your comment  
3 that Rob Pooley submitting the paperwork himself was a red  
4 flag. Was that something you pieced together in hindsight, or  
5 was that something that you thought at the time?

6 A. I think it was a hindsight thing.

7 Q. Because at the time that you made that statement, had you  
8 found those documents?

9 A. I had not.

10 Q. And did you think that Rob Pooley had submitted them -- had  
11 said he would just submit them himself?

12 A. Yes.

13 Q. Okay. So was that a reflection based on your memory at the  
14 time?

15 A. It was.

16 Q. And now is your memory a bit refreshed by those text  
17 messages?

18 A. Yes.

19 Q. Okay. The -- what was the first time that you knew that  
20 Yuri Garmashov's signatures were on the USPA and UPT paperwork  
21 in connection with the class?

22 A. When he handed them to me on the last day of my course,  
23 after we were done jumping.

24 Q. When you reached out to Rob Pooley about a tandem  
25 instructor course, who did you believe would teach that tandem

1 instructor course?

2 A. Rob Pooley himself.

3 Q. Did you believe he was a certified, rated, current USPA and  
4 UPT tandem examiner?

5 A. I did.

6 Q. Did he say anything to dissuade you of that view?

7 A. No, he did not.

8 Q. And had he previously certified you, as an examiner, in  
9 your coach course?

10 A. Yes, he had.

11 Q. So as far as you knew, he knew you believed him to be an  
12 examiner?

13 A. Yes.

14 Q. And did he know you were looking for ratings?

15 A. Yes.

16 Q. And then when you drove to Parachute Center, did you  
17 believe him to be an examiner?

18 A. I did.

19 Q. Did you believe he would be signing the paperwork?

20 A. I did.

21 Q. And when you handed him \$1100 in cash, why did you do that?

22 A. Because I trusted Rob as a mentor, somebody that had helped  
23 me become a, in my opinion, very talented and skilled skydiver,  
24 and I had no reason to think that he wouldn't be -- that he  
25 would lie to me.